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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/497,378 | 02/02/2000 | Friedrich Hachtel | 1068 | 7425 |

7590

02/12/2004

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103 East Neck Road
Huntington, NY 11743

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| EXAMINER |
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SMITH, JAMES G

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| ART UNIT | PAPER NUMBER |
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3765

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DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,378

Applicant(s)

HACHTEL ET AL.

Examiner

James G Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claim 2, if rewritten in independent form including all the limitations of the base claim and any intervening claims, is withdrawn in view of the newly discovered reference(s) to Kaufman (5,016,514). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (6,286,734) in view of Kaufman (5,016,514). Schneider discloses a clothes hanger with a pants holding device for fixing a pair of pants to a transverse support of a hanger. The device connects the ends of the hanger and has a middle reinforced region. In column 5, lines 35-43 Schneider states that the device may be formed as an injection-molding part of plastic, which would make the device entirely plastic. With respect to Claim 3, FIG.2 shows the spring elements protruding into the reinforced middle region. With respect to Claim 4, FIG.3 shows a close up view of the aperture angle for the spring element to connect to, which is said to be preferably between 20 degrees and 80 degrees. With respect to Claim 5, each side of the clamping device has a joint element for articulated connection to the sides of the hanger. With respect to Claim 9, the device can be made in a single operation by injection molding. With respect to Claim 10, the device is capable of being made as a one-piece injection-molded part. However, Schneider fails to teach the leaf spring elements having a thickness that varies over

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their length. Kaufman teaches a capo for stringed instruments having a spring bar that has a varying width for accommodating certain curvatures and distributing force uniformly to or across the strings. (col.2, lines 48-58) This teaching would enable one of ordinary skill in the art to modify the clamping member of Schneider by varying the thickness of the leaf spring over its length to enable the clamping device to provide uniform force across its length. Schneider essentially teaches the invention of Claims 6-8 in the instant application, but fails to specify that the plastic that makes up the device be one of the plastics in the groups recited in Claims 6-8. With respect to Claim 6, POM plastic, polycarbonate, or impact resistance modified polystyrene are all suitable types of well-known plastics which would be within reason to use in making something which that requires the use of plastic. With respect to Claim 7, glass fiber reinforced plastic is also well-known and would be within reason to use in making something that simply requires the use of plastic. With respect to Claim 8, amorphous plastic is well-known also and would be within reason to use in making something which simply requires the use of plastic.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS
2/9/2004


JOHN J. CALVERT
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